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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/903,650 | 07/13/2001 | Kyoung Ro Yoon | 24286/81351 | 1629 |

7590 11/23/2005

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EXAMINER

SHEPARD, JUSTIN E

| | |
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| ART UNIT | PAPER NUMBER |
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2617

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/903,650 | Applicant(s) YOON ET AL. | |
| | Examiner Justin E. Shepard | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
 4a) Of the above claim(s) 1-14 and 25-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 22 is objected to because of the following informalities: The last paragraph states "assigning an automatic update information with respect to the recorded consumption type data and consumption behavior data," when the previous limitations in the claim state that only one of these two limitations are needed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 18, 20, 21, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Cathey.

Referring to claim 15, Cathey discloses a method for incorporating user history data, comprising: recording a user consumption pattern of multimedia content (column 3, lines 7-10); and assigning a content reference for accessing a corresponding multimedia content or metadata of a corresponding multimedia content (column 5, lines 22-26).

Referring to claim 16, Cathey discloses a method for incorporating user history data as claimed in claim 15, wherein the content reference uses an independent ID

regardless of a storage position of the content, so that it enables an unlimited access to the content or related metadata of the content (figure 1, parts 14 and 40; Note: the media and the metadata database are different locations).

Referring to claims 18, Cathey discloses a method for incorporating user history data as claimed in claim 15, wherein the user consumption pattern of the multimedia content includes a consumption type data representing how the user consumed the multimedia content (column 5, lines 52-54).

Referring to claims 20 and 21, Cathey discloses a method for incorporating user history data as claimed in claim 15, wherein the user consumption pattern of the multimedia content includes a consumption behavior data representing what behavior the user consumed the multimedia content; wherein the consumption behavior is at least one operation of a normal finish, skimming, skipping, replay, slow play, or stop (column 7, lines 59-61).

Referring to claim 22, Cathey discloses a method for incorporating user history data comprising: recording consumption type data representing how a user consumed a multimedia content; or consumption behavior data representing what behavior the user consumed the multimedia content (column 7, lines 59-61); and assigning an automatic update information with respect to the recorded consumption type data and consumption behavior data (column 5, lines 12-13; Note: monitoring signals from the STB is interpreted as being equivalent to automatically logging).

Referring to claim 24, Cathey discloses a method for incorporating user history data according to claim 22, wherein the consumption behavior data include a program

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identifier for representing the corresponding content, at least one of a normal finish data, skimmed data, skipped data, replay data, slow play data, or stopped data, and control data for an access to the recorded data (column 7, lines 59-64).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cathey in view of CinelImage.

Cathey does not disclose a method for incorporating user history data as claimed in claim 16, wherein the content reference is a digital object ID (DOI), a content reference ID (CRID) of Content ID Forum (CIDF), or an UMID of SMPTE.

CinelImage discloses a method for incorporating user history data as claimed in claim 16, wherein the content reference is a digital object ID (DOI), a content reference ID (CRID) of Content ID Forum (CIDF) (paragraph 9, lines 3 and 4-5), or an UMID of SMPTE.

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the CIDF format for the metadata, as taught by CinelImage, in the system disclosed by Cathey. The motivation would have been to enable the tracking of the files, and therefore prevent unauthorized use (CinelImage: paragraph 9, lines 5-6).

Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cathey in view of Lortz.

Referring to claim 19, Cathey does not disclose a method for incorporating user history data as claimed in claim 18, wherein the consumption type is at least one of a simple view for one time consumption of the content, recording of the content, backup of the content, and transfer of the content through a network.

Lortz discloses a method for incorporating user history data as claimed in claim 18, wherein the consumption type is at least one of a simple view for one time consumption of the content, recording of the content, backup of the content, and transfer of the content through a network (column 5, lines 28-30; Note: being able to distinguish between TV watching versus TV recording records is being interpreted such that there exists records of what the person recorded on the STB).

At the time of the invention it would have been obvious for one of ordinary skill in the art to record in the metadata whether a show was watched or recorded, as taught by Lortz, in the system disclosed by Cathey. The motivation being that it would provide another metric to base the preferences off of, therefore making the preferences more accurate.

Referring to claim 23, Cathey does not disclose a method of incorporating user history data according to claim 22, wherein the consumption type data include a program identifier for representing the corresponding content, at least one of a simple

view data, recording data, backup data, or transfer data, and control data for an access to the recorded data.

Lortz discloses a method of incorporating user history data according to claim 22, wherein the consumption type data include a program identifier for representing the corresponding content, at least one of a simple view data, recording data, backup data, or transfer data, and control data for an access to the recorded data (column 5, lines 28-30).

At the time of the invention it would have been obvious for one of ordinary skill in the art to record in the metadata whether a show was watched or recorded, as taught by Lortz, in the system disclosed by Cathey. The motivation being that it would provide another metric to base the preferences off of, therefore making the preferences more accurate.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matthews; U.S. Patent Number 6,631,523; Electronic Program Guide with Hyperlinks to Target Resources.

Wugofski; U.S. Patent Number 6,201,538; Controlling the Layout of Graphics in a TV Environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


CHRIS KELLEY
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